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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of Bernard
L. Madoff,

Plaintiff,

v.

TRUST UNDER DEED OF SUZANNE R. MAY
DATED NOVEMBER 23, 1994, INDIVIDUALLY

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05231 (SMB)

and as BENEFICIARY of ESTATE OF SUZANNE R. MAY;

ESTATE OF SUZANNE R. MAY, as SUCCESSOR of SUZANNE R. MAY, in her capacities as CREATOR and TRUSTEE of TRUST UNDER DEED OF SUZANNE R. MAY DATED NOVEMBER 23, 1994 and INDIVIDUALLY as BENEFICIARY of TRUST UNDER DEED OF SUZANNE R. MAY DATED NOVEMBER 23, 1994;

ESTATE OF ROBERT E. MAY as SUCCESSOR of ROBERT E. MAY, in his capacity as CO-TRUSTEE of TRUST UNDER DEED OF SUZANNE R. MAY DATED NOVEMBER 23, 1994, and INDIVIDUALLY as BENEFICIARY OF NTC & CO. LLP, TRUST UNDER DEED OF SUZANNE R. MAY DATED NOVEMBER 23, 1994 and ESTATE OF SUZANNE R. MAY;

JEFFREY A. MAY, in his capacity as CO-TRUSTEE of TRUST UNDER DEED OF SUZANNE R. MAY DATED NOVEMBER 23, 1994, EXECUTOR of ESTATE OF ROBERT E. MAY and INDIVIDUALLY as BENEFICIARY OF ESTATE OF SUZANNE R. MAY;

CHERYL M. COLEMAN, INDIVIDUALLY as BENEFICIARY of ESTATE OF SUZANNE R. MAY; and

RICHARD A. MAY, INDIVIDUALLY as BENEFICIARY of ESTATE OF SUZANNE R. MAY,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated SIPA liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and Defendants (i)

Trust Under Deed of Suzanne R. May dated November 23, 1994, individually and as beneficiary of Estate of Suzanne R. May; (ii) Estate of Suzanne R. May as successor of Suzanne R. May in her capacities as creator and trustee of Trust Under Deed of Suzanne R. May dated November 23, 1994 and individually as beneficiary Trust Under Deed of Suzanne R. May dated November 23, 1994; (iii) Estate of Robert E. May as successor of Robert E. May, in his capacity as Co-Trustee of Trust Under Deed of Suzanne R. May dated November 23, 1994, and individually as beneficiary of NTC & Co. LLP, Trust Under Deed of Suzanne R. May dated November 23, 1994 and Estate of Suzanne R. May; (iv) Jeffrey A. May in his capacity as Co-Trustee of Trust Under Deed of Suzanne R. May dated November 23, 1994, Executor of Estate of Robert E. May and individually as beneficiary of Estate of Suzanne R. May; (v) Cheryl M. Coleman, individually as beneficiary of Estate of Suzanne R. May; and (vi) Richard A. May, individually as beneficiary of Estate of Suzanne R. May (collectively “Defendants”), by and through their counsel, David B. Bernfeld of Bernfeld, DeMatteo & Bernfeld L.L.P., (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 6, 2010, the Trustee filed and served the Complaint against the Defendants.
2. On September 18, 2015, Defendants filed an Answer to the Complaint.
3. On November 7, 2017, the Parties entered into a settlement agreement (the “Settlement Agreement”) pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [ECF No. 3181].
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and

dismissal of the adversary proceeding with prejudice.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

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7. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

Date: November 21, 2017
New York, New York

BAKER & HOSTETLER LLP

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**BERNFELD, DEMATTEO & BERNFELD
LLP**

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Attorneys for Defendants

SO ORDERED:

Dated: **November 21st, 2017**
New York, New York

/s/ STUART M. BERNSTEIN
Hon. Stuart M. Bernstein
United States Bankruptcy Judge